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8 United States District Court  
9 Eastern district of Washington

10 United States,

11 Plaintiff,

12 v.

13 Carlos Manuel Marquez-Pierce,

14 Defendant.

15 No. 19-00108-WFN  
16 21-00016-WFN

17 Sentencing Memorandum

1                   **I. Introduction**

2                   Carlos Marquez-Pierce's mother abandoned him with his grandmother at  
3 birth, choosing heroin instead of her child. When Mr. Marquez-Pierce was six, she  
4 decided she could take care of him and moved him in with her and a revolving  
5 series of stepfathers. From ages six to 12, those men would hold the small child to  
6 the ground, beat him with wooden spoons and whip him with coat hangers. Mr.  
7 Marquez-Pierce's mother frequently left him with baby-sitters, in particular one  
8 that sexually abused him, "on more occasions than I can count."

9                   Mr. Marquez-Pierce met his father for the first and only time when he was  
10 nine. An alcoholic who frequently drank to intoxication, Kenneth Pierce died in  
11 2015 after providing no contribution to Mr. Marquez-Pierce's upbringing.

12                  Although Mr. Marquez-Pierce moved out of his mother's residence when he  
13 was 12, the damage was done. He bounced between family members until his  
14 incarceration in 2019. He never received treatment for the abuse he had suffered.  
15 He attempted suicide twice, once at 18 when he awoke hanging from a garage  
16 door with a rope tied around his neck, and once at 21 when he cut himself seeking  
17 attention from his family. No one noticed his injury.

18                  These cases involve a global resolution of Mr. Marquez-Pierce's matters with  
19 the Eastern District of Washington, District of Idaho, and Spokane County. Mr.

1 Marquez-Pierce entered guilty pleas in the original Eastern District of Washington  
2 matter (19-00108-WFN) to Production of Child Pornography and Enticement of a  
3 Minor, pertaining to victim A.S. The parties have agreed to a 23-year term of  
4 imprisonment pursuant to Fed. R. Crim. P. 11(c)(1)(C).

5 Mr. Marquez-Pierce's indictment in the District of Idaho was transferred to  
6 the Eastern District of Washington (21-00016-WFN), where Mr. Marquez-Pierce  
7 entered a guilty plea to Sexual Abuse of a Minor, pertaining to victim E. The parties  
8 jointly recommend that sentence run concurrently with the sentence under the  
9 original Eastern District of Washington matter (19-00108-WFN).

In exchange for Mr. Marquez-Pierce, at 23 years of age, agreeing to this lengthy federal sentence, Spokane County will dismiss its charges pertaining to Victim J after judgment is filed in these cases. Mr. Marquez-Pierce will be prohibited from having contact with all three victims, A.S., E, and J, as both a condition of the plea agreement and that of supervised release.

## II. Discussion

17 Mr. Marquez-Pierce has resolved all issues with the draft Presentence  
18 Investigation Report and has no further objections. He asks this Court to accept  
19 the 11(c)(1)(C) plea agreement and impose a 23-year sentence. He also asks the

1 Court to write a letter to BOP seeking designation into the Sexual Offender  
2 Management Program (SOMP) at FCI Englewood, CO, or as an alternative, the  
3 SOMP at FCI Seagoville, TX. Mr. Marquez-Pierce will be safest in a SOMP program  
4 as they house offenders with similar convictions. This will further allow him to  
5 receive treatment for the sexual abuse he suffered and address the sexual  
6 deviancy issues underlying these offenses.

7 Mr. Marquez-Pierce would also request a brief delay in the USPO uploading  
8 the PSIR into E-DES in order to amend the PSIR to include the state charges were  
9 dismissed. With the pending state charges, Mr. Marquez-Pierce's security level  
10 with BOP drastically increases. Mr. Marquez-Pierce would request that the  
11 government immediately pass the judgment to the Spokane County Prosecuting  
12 Attorney's Office, and defense counsel will immediately pass it to Mr. Marquez-  
13 Pierce's state public defender.

14 **Twenty-three years is a significant sentence.** Mr. Marquez-Pierce is asking  
15 the Court to impose a 23-year (276-month) sentence. Mr. Marquez-Pierce is 23  
16 years old. This sentence is equivalent to the length of his life to date. Before being  
17 incarcerated on these charges, the longest period of time Mr. Marquez-Pierce  
18 spent in jail was 75 days. This would be a lengthy sentence for anyone, let alone

1 someone who is Mr. Marquez-Pierce's age. This sentence certainly accomplishes a  
2 punitive effect.

3 A twenty-three year sentence also deters. Mr. Marquez-Pierce is barely an  
4 adult now. He will be in his 40s by the time he is released, even with good time.  
5 Significant change, reflection, and maturity occur between one's 20s and 40s. It is  
6 likely Mr. Marquez-Pierce will not be the same person by the time he is released.

7 A longer sentence would serve little purpose. According to a March 2018  
8 report from the U.S. Sentencing Commission, longer prison sentences have no  
9 impact on recidivism rates. *See Recidivism Among Federal Offenders Receiving*  
10 *Retroactive Sentencing Reductions* (March 2018) ("The recidivism rates were  
11 virtually identical for offenders who were released early through retroactive  
12 application of the FSA Guideline Amendment and offenders who had served their  
13 full sentences before the FSA guideline retroactivity took effect.").

14 A twenty-three year sentence will not be significantly shortened. Because  
15 this is a production of child pornography conviction, Mr. Marquez-Pierce will not  
16 be eligible for an RDAP or FSA reduction.

17 In addition to quantity of time, there is also quality of time. Since July of  
18 2019, Mr. Marquez-Pierce has been incarcerated at the Spokane County Jail, where  
19 he is on lockdown 23 hours per day during the week, and 24 hours per day during

1 the weekend. Harsh pretrial conditions have served as a basis for a variance (or, in  
2 this case, a factor supporting the 11(c)(1)(C) sentence). *See, e.g., U.S. v. Pressley,*  
3 345 F.3d 1205 (11th Cir. 2003) (remanding to district court and confirming that the  
4 court may impose its proposed departure of 24 months based on the significant  
5 time the defendant spent in pretrial confinement, primarily on 23-hour per day  
6 lockdown); *see also U.S. v. Ortiz*, 2007 WL 4208802 (D. N.J. Nov. 27, 2007)  
7 (explaining variance for multiple defendants based on pretrial confinement at  
8 county jail). This is tough time. And it will not be getting much easier, as Mr.  
9 Marquez-Pierce enters the BOP as a young sex offender. When all factors are  
10 considered, this is a significant sentence.

11       **Mr. Marquez-Pierce is a product of his upbringing.**

12       While it does not excuse Mr. Marquez-Pierce's offenses or lessen his  
13 remorse for his victims, Mr. Marquez-Pierce's traumatic upbringing set him up to  
14 commit these offenses. He was physically abused from age six and sexually abused  
15 from age 9. These are formative years when children should not have many cares  
16 in the world. Instead, small Mr. Marquez-Pierce lived in fear of the next time he  
17 would be beaten or raped by an adult who was supposed to be caring for him. That  
18 trauma did not teach him appropriate sexual boundaries. Furthermore, when the  
19 adults in his life were not abusing him, they were neglecting him. His mother was

more interested in getting high and his father more interested in getting drunk  
than in nurturing this small child.

3           Unsurprisingly, Mr. Marquez-Pierce himself turned to substances and self-  
4           harm. He still did not receive the attention he had so lacked as a child. When he  
5           was bleeding from a self-inflicted would, no one in his family cared enough to take  
6           him to the hospital.

7 Mr. Marquez-Pierce, during this lengthy sentence, will at the very least be  
8 accorded the opportunity to heal from his childhood and learn his offense cycle. He  
9 will likely be a different man when he finally achieves release from BOP.

### III Conclusion

These cases resolve Mr. Marquez-Pierce's matters in the Eastern District of Washington, District of Idaho, and Spokane County, to an agreed upon 23-year term of imprisonment. This sentence meets the factors within §3553(a) by accomplishing a punitive and deterrent effect. The sentence is sufficient but not greater than necessary for the reasons delineated above. Mr. Marquez-Pierce asks the Court to follow the 11(c)(1)(C) agreement.

Dated: April 22, 2021

# Federal Defenders of Eastern Washington & Idaho

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1 Service Certificate  
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3 I certify that on April 22, 2021, I electronically filed the foregoing with the  
4 Clerk of the Court using the CM/ECF System, which will notify Assistant United  
States Attorney: Ann Wick.

5 */s/Brooke D. Hagara*  
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